

## TERMS OF REFERENCE

AA-010317 - Advisory Support to the EIB Project Advisory Support Unit in implementing the  
Technical Assistance to Romania's National Agency for Public Procurement ("ANAP")

### Lot 1: Support to the overall project management

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## ACRONYMS USED IN THE DOCUMENT

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<b>AP</b>	Action Plan
<b>CAC</b>	Contracting Authorities as the Clients of the pilot CPBs
<b>CC</b>	EIB CPB Consultant
<b>CP</b>	Communication Plan
<b>CPB</b>	Central Procurement Body
<b>CWG</b>	CPB Working Group
<b>DG Ex-ante</b>	General Directorate of ANAP that is responsible for ex-ante verifications of the sampled public procurement procedures
<b>EWG</b>	Ex-ante Working Group
<b>GP</b>	Global Plan for Preparation of Opinions/Guidance/Studies
<b>IT&amp;C</b>	Information Technology and Communications
<b>HC</b>	EIB Horizontal Consultant
<b>KS</b>	Key Stakeholder
<b>PASSA</b>	Project Advisory Support Services Agreement
<b>PMA</b>	EIB Project Management Assistant
<b>PC</b>	EIB Procurement Consultants
<b>PPM</b>	Pilot Project Manager
<b>PO</b>	Partner Organisation
<b>PWG</b>	Pilot Working Groups
<b>SEP</b>	Stakeholder Engagement Plan
<b>SIPOCA</b>	Electronic system of the Operational Programme Administrative Capacity (EN-OPAC/ RO-POCA) <sup>1</sup>
<b>SMS</b>	Stakeholders Management Strategy
<b>SW</b>	Semesterly Workshop
<b>TCE</b>	Technical Coordination Expert

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<sup>1</sup> Each project financed under OPAC receives a SIPOCA/SMIS code used as an identification number.

<b>TIE</b>	Technical Implementation Expert
<b>TMR</b>	Task Monthly Report
<b>TL</b>	EIB Team Leader
<b>TPE</b>	Third Party Experts
<b>QAP</b>	Quarterly Action Plans for Preparation of Opinions/Guidance/Studies
<b>WCM</b>	Weekly Coordination Meetings of the EWG

## 1 BACKGROUND INFORMATION

### 1.1 Beneficiary country and Promoter

The beneficiary country is Romania and the Promoter is the National Agency for Public Procurement (ANAP).

### 1.2 Relevant country background and mandate

#### 1.2.1 History of the EIB TA in Romania

The EIB has been very active in Romania over the last 15 years both in terms of lending and technical assistance. Lending is concentrated in the transport, environment, energy, banking and SME sectors. Since the first operations substantial advisory support has been provided, largely by the EIB, both through own staff and through the support of external consultants, at various stages of the project cycle. The Bank's advisory support has increased significantly since accession; first with the involvement of JASPERS<sup>2</sup> in programme/project preparation of EU funded operations only and, since 2012, with increased support during project implementation of the EIB Project Advisory Support Unit (PASU).

During 2011, at the request of the Romanian Authorities and the European Commission (EC), various discussions were held with key stakeholders leading to the signature of a Memorandum of Understanding (MoU) on Project Implementation Support between the Government of Romania and the EIB on January 26<sup>th</sup>, 2012. The MoU identified broad areas where additional support would be required to improve Romania's absorption of EU Structural Funds during the 2007-2013 programming period, as follows:

- Area 1: Horizontal support for strengthening the administrative capacity of the Managing Authorities and intermediate bodies and public beneficiaries, and for streamlining the national legislative and regulatory framework relating to the absorption of structural funds; and
- Area 2: Specific needs relating to the implementation of the Regional Operational Programme (ROP) and Sectoral Operational Programmes for Environment (SOP E), Transport (SOP T) and Increase of Economic Competitiveness.

As a result of this MoU, three Project Implementation Support Service Agreements (PISSAs) were signed with a view to strengthening capacity to absorb EU funds. The largest of these agreements, signed in September 2013, provided a team of dedicated EIB experts offering continuous support in Bucharest to the State administrations, and elsewhere in Romania to the relevant local authorities, responsible for the preparation, implementation and monitoring of transport, water and waste management investments in the SOP T and in the SOP E. Also under this PISSA, the EIB granted support to the Ministry of European Funds (MEF) and to the other involved institutions in the preparation of the National Procurement Strategy and in the development of the new Romanian procurement legislation. The PISSAs expired at the end of November 2015.

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<sup>2</sup> <https://jaspers.eib.org/>

This support was considered valuable by the Romanian authorities and negotiations began in early 2015 to sign a new MoU covering the 2014 to 2020 programming period, and this document was signed on 23 December 2015. The scope of the MoU is similar to that signed in 2012 with the addition of support to the fulfilment of the Partnership Agreement ex-ante conditionalities<sup>3</sup>, with a particular emphasis on the implementation of the National Procurement Strategy, development of financial instruments and a greater emphasis on the project and contract preparation stage.

As a result of this new MoU, two Project Advisory Support Service Agreements (PASSAs) were signed in Romania and 3 under a separate MoU in Bulgaria, with a total budget of EUR 24.6M under the Project Implementation Support (PIS) Initiative.

The PIS initiative has proven itself to be a powerful complement to other advisory programmes, providing hands-on support on the ground and responding effectively to the needs of Romania and Bulgaria in tackling the challenges of project delivery.

EIB has engaged in the cooperation with the National Agency for Public Procurement (ANAP). Through the PASSA that was signed on 15<sup>th</sup> of July 2016, EIB supported ANAP in designing and implementing 3 main reforms envisaged in the National Public Procurement Strategy, namely:

- Ex-ante Control Reform;
- Internal Control Systems for Contracting Authorities; and
- Establishing Central Procurement Body.

EIB has prepared over 200 deliverables through mobilising one permanent EIB staff in addition to third party consultants. The PASSA has been completed on 15<sup>th</sup> of August 2018.

This assignment, for which a new PASSA was signed on 9<sup>th</sup> of July 2019, is a continuation of the previous support that EIB provided to ANAP.

### 1.2.2 Background on the project

This project is a continuation of reform efforts of ex-ante control in public procurement initiated within the previous PASSA for ANAP, during which several important achievements have been obtained, namely:

- Design and implementation of new sampling methodology for procurement procedures and contract modifications to be selected for ex-ante control;
- Preparation of new ex-ante control checklists carrying a distinction between quality and regulatory verification and new areas of control over terms of reference, contract clauses and answers to clarification requests from economic operators;
- New internal working flows designed to increase team cohesion and unitary practice as well as new job descriptions for ex-ante control staff and assessment of future staff needs;
- Assignment of a new legal authority to ex-ante control findings under the form of "aviz conform";
- Preparation of requirements for running a pilot activity for IT&C procurement procedures with the general purpose of reducing the number of biased tender documentations that distort competition;
- Design of the conciliation mechanism with contracting authorities that challenge the findings of ex-ante control.

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<sup>3</sup>[https://www.fonduri-structurale.ro/Document\\_Files/Stiri/00014830/sfvjd\\_Acord%20de%20parteneriat%20oficial.pdf](https://www.fonduri-structurale.ro/Document_Files/Stiri/00014830/sfvjd_Acord%20de%20parteneriat%20oficial.pdf)

The main achievements of the ex-ante reform obtained so far need to be further supported by specific activities and deliverables so as to:

- Ensure the ex-ante control reform is fully implemented as per the provisions of the National Public Procurement Strategy (e.g. running also the pilot activity for IT&C procurement procedures in continuation of the design work performed in previous PASSA);
- Provide an enabling environment where ex-ante controllers can benefit from sectoral/professional procurement specialists' expertise for correct and full application of the verification tools;
- Improve the core technical and soft skills of ex-ante control staff as a mean to provide a higher quality control, while at the same time ensuring new staff is properly emerged into the ex-ante control specificities and is effectively used following recruitment.

In the area of centralised public procurement, the main achievement under the previous PASSA for ANAP was the establishment of the Centralised Public Procurement Body ("Oficiul National pentru Achizitii Centralizate – ONAC"). ONAC's mandate is to carry out centralised public procurement procedures for central public institutions/agencies.

The overall objectives of the **current PASSA** signed with ANAP in 2019 are to:

- Provide daily operational support to ANAP in performing the ex-ante controls more efficiently and effectively;
- Providing support to ANAP and Partner Organizations in setting up Centralised Procurement Bodies (CPBs) at local level.

The project is supposed to be completed in early July 2022, i.e. three years from this PASSA's signing date (09/07/2019).

The table below summarises the activities, sub-activities and tasks included in the PASSA:

Activities	Sub-activities	Tasks
1. Support to ex-ante control function of ANAP	1.1. Provide support to ANAP DG Ex-ante in performing the ex-ante controls in line with the National Public Procurement Strategy	1. Provide opinions/guidance/studies on procurement and sectorial aspects encountered by ANAP in the ex-ante control activity
		2. Support to ex-ante staff in improving their general work competencies and understanding of relevant markets
		3. Reformulation of the sampling methodology
		4. Provide professional opinions with regard to the implementation of various aspects of the National Public Procurement Strategy and to meet "Enabling Conditions" (upon specific ANAP's requests)
	1.2. Technical support provided during verification of technical specifications for the procedures covered by the IT&C pilot project	5. Perform competition related technical reviews of public procurement files subject to IT&C pilot activity
		6. Improving the sectorial knowledge of the Ex-ante verifiers and developing quality control verification tools for the pilot sector
2. Setting up CPBs at local level	2.1. Preparing the Stakeholders' Management Strategy ("SMS") at the project level	7. Preparation of the Stakeholder Engagement Plan ("SEP")
		8. Development of a communication plan ("CP")
		9. Development of Action Plans

	2.2. Conducting a study at county level	10. Selection of three pilot CPBs and of eight additional contracting authorities for whom a CPB roadmap will be developed
		11. Planning and drafting an action plan for setting up three pilot CPBs
		12. Development of a roadmap for the set-up of local CPBs in eight identified counties
	2.3. Configuration of 3 pilot CPBs	13. Defining a set of performance indicators and measuring methodology applicable to the pilot CPBs
		14. Configuration of CPBs in terms of operational and organizational structure
		15. Supporting local authorities in drafting of the establishment act of the CPB
	2.4. Piloting the selected CPBs	16. Organising a study visit
		17. Training and day to day assistance during the three procurement phases
	2.5. Organizing conferences	18. Organization of conferences in the eight counties participating in the study
		19. Organizing conferences in piloting counties
		20. Organization of 4 conferences in counties not included in the studies
		21. Organising a final conference in Bucharest
	2.6. Drawing conclusions and preparing recommendations based on the piloting exercise	22. Drafting of conclusions and recommendations

### 1.2.3 The PAS Team

The PAS Team is the project team established by the EIB with the sole purpose of implementing the second PASSA signed with ANAP. The PAS Team will provide strategic and operational advice, as well as overall project management support to ANAP.

The Team will comprise:

- EIB Team Leader ("TL");
- EIB Expert(s);
- EIB Consultants:
  1. **Horizontal Consultant (hereinafter called "HC") – to be contracted through this tender procedure, Lot 1: Support to the overall project management;**
  2. Procurement Consultant with experience focused on construction works tenders/contracts (hereinafter called "PC1") – to be contracted through this tender procedure, Lot 2: Support in public procurement control for construction works;
  3. Procurement Consultant with experience focused on intellectual services (hereinafter called "PC2") – to be contracted through this tender procedure, Lot 3: Support in public procurement control for intellectual services;
  4. Procurement Consultant with experience focused on IT&C (hereinafter called "PC3") – to be contracted through this tender procedure, Lot 4: Support in public procurement control for IT&C equipment and/or software;
  5. CPB Consultant (hereinafter called "CC") – to be contracted through this tender procedure, Lot 5: Support in establishing local Centralised Procurement Bodies (CPBs);
  6. Project Management Assistant (hereinafter called "PMA") – to be contracted through this tender procedure, Lot 6: Project Management Assistance to the EIB PAS Team.

The EIB Consultants will be hired on a full-time project basis. They are expected to spend most of their working time in Bucharest, in the ANAP's and EIB's offices, as well as outside Bucharest as required from time to time mainly under Activity 2. They will carry out Project Management Office activities for the Assignment, as well as will contribute to preparation of the deliverables, as follows:

- Contributing to the preparation of deliverables (HC, PMA);
- Assisting the Team Leader in planning of the Third Party needs (HC);
- Assisting the Team Leader in drafting the description of activities for Third Party terms of reference (HC);
- Arranging weekly progress meetings with the ANAP DG Ex-ante, issuing minutes and monitoring follow-up of joint actions (HC);
- Arranging monthly progress meetings with the ANAP, issuing minutes and monitoring follow-up of joint actions (HC);
- Arranging the Steering Committee meetings, issuing invitations and documents to be discussed at the meetings (HC);
- Quality control over the Outputs from the linguistic, format, completeness and accuracy perspectives (HC);
- Organisational matters related to the events included in the project (e.g. workshops, study-visits, trainings, etc.) (PMA);
- Preparing project related reports (PMA);
- Short and ad-hoc translations/interpretations for the Team Leader (PMA);
- Providing logistical support to other full-time EIB Consultants (PMA);
- Day-to-day administration of the project activities.
- Preparation of Outputs under Activity 1 (PCs);
- Quality control over the Outputs prepared by Third Party specialists (PCs, in their area);
- Contributing in drafting of the terms of reference for Third Party assignments regarding Activity 1 (PCs);
- Contributing in drafting the progress reports (PCs, in their area).
- Contributing to the preparation of Outputs under Activity 2 (CC);
- Day-to-day management of Third Party assignments under Activity 2 (CC);
- Liaison with the members of ANAP's Project Management Team with regard to implementation of Activity 2 (CC);
- Quality control over the Outputs prepared by Third Party specialists under Activity 2 (CC);
- Contributing in drafting of the terms of reference for Third Party assignments regarding Activity 2 (CC);
- Contributing in drafting the progress reports.
  - Third Party Experts ("TPE").

Third Parties, i.e. consultancy firms, will be contracted through separate procedures by the Bank for providing support services as follows:

- a) Provision of soft skills training (time management, conflict management, negotiation skills training, performance evaluation training, presentation and writing skills training), project management and contract administration trainings.
- b) Day-to-day support to ex-ante verification activities.

- c) Supporting ANAP in verification of procurement decisions in the field of IT&C.
- d) Supporting ANAP in reformulating and monitoring of the sampling system.
- e) Setting-up local CPBs.

The PAS Team will act as an independent advisor to the ANAP. Hence, the role of the PAS Team is to advise and complement, but not to replace, displace or fulfil the roles and responsibilities of the relevant counterparts in ANAP, nor those of other existing technical assistance for ANAP. The PAS Team will play a supportive but not a predominant role in the decision making related to the project activities. Final performance in project implementation will remain the responsibility of ANAP, as per its specific roles and accountabilities defined in the PASSA.

## **2 OBJECTIVE, PURPOSE & EXPECTED RESULTS**

### **2.1 Overall objective**

The **overall objective** of this assignment (the **Assignment**) is to provide support to the overall project management under PASSA 2 with ANAP.

### **2.2 Purpose**

The **purpose** of the present Assignment is for the HC to provide day-to-day support to the EIB Team Leader in the overall project management, i.e. in relation with all activities, sub-activities and tasks encompassed in the project, including quality control of Outputs to be elaborated by the EIB PAS Team. The specific activities of the HC are detailed hereinafter.

### **2.3 Results to be achieved by the Consultant**

In respect of the specific activities listed under point 4.2 below, the main results to be achieved by the Consultant under this Assignment are:

- on-time and efficient support to the EIB Team Leader in the day-to-day project management;
- various work programmes/action plans that will be developed in line with the overall project plan;
- planning of the Third Party needs;
- description of activities for Third Party terms of reference (elaboration or quality control, as the case may be);
- proposed solutions to address issues that might occur during the implementation of PASSA 2 with ANAP;
- quality control of the Outputs to be elaborated by the other EIB Consultants and Third Parties;
- minutes of meetings, or inputs to minutes of meetings as the case may be, and monitoring follow-up of joint actions (as a rule, progress meetings would be organised on a monthly basis; however, such meetings could also take place in between two consecutive monthly meetings);
- progress reports;
- professional advice in his/her own area of expertise.

To achieve these results, the HC shall be in permanent contact with the EIB Team Leader, the other PAS Team members, the Third Parties and last, but not least, with ANAP.

## **3 ASSUMPTIONS & RISKS**

### **3.1 Assumptions underlying the Assignment**

The overall assumptions upon which this assignment is based are:

- There will be no institutional and/or legal modifications that could affect the objectives of this Assignment. In case such institutional/legal modifications occur during the project implementation, the EIB and ANAP may decide on an amendment to the current PASSA;
- The Consultant will benefit from the continued and active collaboration of all stakeholders as defined in the current PASSA, in particular with ANAP;
- The Consultant will be given timely and complete access to all relevant documents, other information and people related to projects or activities to be carried out under this Assignment;
- ANAP shall coordinate within its organisation's departments, with other public institutions and local authorities throughout the project implementation;
- The actual implementation of the Assignment will require a high level of flexibility to reflect the nature of each activity/sub-activity/task, local conditions (wherever applicable), implementation progress and, possibly, institutional/legal modifications that might occur during the project implementation. In such circumstances, the scope of the activities/sub-activities/tasks under this Assignment will be decided by ANAP together with the EIB (see also the first bullet point above).

### **3.2 Risks**

The main risks that could affect the successful implementation of the Assignment are related to the non-meeting and/or non-timely meeting of any of the conditions specified under point 3.1 (Assumptions), as well as by institutional and/or legal modifications that could affect the objectives of this Assignment, as the case may be. These risks should be mitigated by the EIB together with ANAP, who will conduct negotiations over such difficulties, including in the case of institutional and/or legal modifications that could affect the objectives of this Assignment.

Also lack of interest from various stakeholders regarding this Assignment and its results, imperfect legal framework (under modification, unfinished or with contradictions) could delay the expected value added.

## **4 SCOPE OF THE WORK**

### **4.1 General**

#### **4.1.1 General description of the Assignment**

This Assignment is to provide day-to-day overall project management support to the EIB Team Leader under PASSA 2 with ANAP.

#### **4.1.2 Operating environment for the Consultant**

The operating environment is described above at point 1.2.3 – The PAS Team.

#### **4.1.3 Geographical area to be covered**

Romania

#### **4.1.4 Target groups**

The target groups are members of:

- ANAP;
- Key Stakeholders (KS) for setting up local CPBs;
- Partner Organisations (POs) in setting up local CPBs;
- Potential local contracting authorities/entities interested in setting up local CPBs.

### **4.2 Specific activities**

The main specific activities of the **Horizontal Consultant (HC)** will include:

- Providing support in the overall project management (the HC will act as Deputy Team Leader);
- Preparing, or providing inputs to, as the case may be, various work programmes/action plans that will be developed in line with the overall project plan;
- Assisting the EIB Team Leader in planning of the Third Party needs;
- Assisting in drafting the description of activities for Third Party terms of reference;
- Arranging progress meetings with the ANAP, issuing minutes and monitoring follow-up of joint actions (as a rule, progress meetings would be organised on a monthly basis; however, such meetings could also take place in between two consecutive monthly meetings);
- Arranging the Steering Committee meetings, issuing invitations and documents to be discussed at the meetings;
- Quality control over the Outputs to be elaborated by the other EIB Consultants and Third Parties from the linguistic, format, completeness and accuracy perspectives;
- Drafting, or contributing to the drafting of the progress reports, as the case may be;
- Providing professional advice in his/her own area of expertise.

### **4.3 Project management**

#### **4.3.1 Responsible body/Contracting Authority**

The European Investment Bank, through the Consultant Procurement and Contract Management Division of the Advisory Services Department, will act as Contracting Authority and will be responsible for managing this technical assistance (TA) operation.

#### **4.3.2 Promoter/Beneficiary of the Assignment:**

The Promoter/beneficiary is ANAP.

The other beneficiaries are:

- Key Stakeholders (KS) for setting up local CPBs;
- Partner Organisations (POs) in setting up local CPBs;
- Potential local contracting authorities/entities interested in setting up local CPBs.

#### **4.3.3 The Consultant**

The Consultant's expert (HC) will closely work with the TL and other members of the PAS Team. Taking into account the complexity of the assignment, the Consultant's expert will ensure an appropriate communication and cooperation with all the bodies involved as per the current PASSA 2 with ANAP, in particular with ANAP and its counterparts as defined in the project. The Consultant's expert will also participate in meetings with other consultants that will be mobilised under this project when called by the EIB Team Leader and/or ANAP, but also when he/she will consider this as necessary.

**Important note:** During this Assignment, the Consultant's expert (HC) may also be mobilised for short-term assignments under other PASSAs.

#### **4.3.4 Facilities to be provided by the Contracting Authority and/or other parties**

##### **Contracting Authority**

The Contracting Authority will provide the Consultant's expert (HC), upon request, with all information relevant to the project that is available to it and not covered by any confidentiality agreements and will fully cooperate with the Consultant in order to achieve the best results. The Contracting Authority will

also provide the Consultant with "hot desk facilities" (desk with internal connection) at EIB's Bucharest office.

### **Promoter/beneficiary (ANAP)**

ANAP will provide, at its premises, an equipped working space (with desk, communication and printing/scanning equipment, or access to such equipment) for the Consultant's expert (HC).

## **5 LOGISTICS AND TIMING**

### **5.1 Location**

All services will have to be performed from Bucharest, Romania. The Horizontal Consultant will mostly work at ANAP's premises (80% of the working time), as well as at EIB premises. His/her participation in training programmes, study visits (in Romania and/or abroad), meetings, workshops and/or conferences is also envisaged.

In addition, in relation to Activity no. 2 – Setting up of local CPBs, the Horizontal Consultant might be requested to participate in meetings in cities involved in this activity (in average 2 such meetings per month). Also, the Horizontal Consultant might be requested to participate in relevant working meetings with the European Commission in Brussels or in Romania.

### **5.2 Commencement date & Period of implementation**

The intended commencement date is the signing date of the Contract and the period of implementation of the contract would be 30 months from this date or until the completion of the PASSA support, i.e. by June 2022.

Should the necessity to perform additional services which were not included in these Terms of Reference and which would have become necessary to the completion of the Assignment during the term of the Assignment, the EIB reserves the right to amend the contract and to extend the scope of the services of the contract in accordance with the Procurement Guidelines of the EIB.

## **6 REQUIREMENTS**

### **6.1 Personnel**

If, during the implementation of the Contract, the EIB concludes that the Consultant's expert is unable to meet the level of quality required for preparing the written outputs such as reports, the contract will be terminated at no additional cost to the EIB.

### **Conflict of interest**

**The Consultant's expert must be independent and free from conflicts of interest in the responsibilities accorded to him/her.**

**The Consultant (legal or natural person) to whom this contract will be awarded will not be allowed to participate any other tenders that will be launched by EIB under this project as the Consultant will be involved in preparation and implementation of the subsequent contracts that will be launched by the EIB under the ANAP 2 PASSA.**

In providing support to ANAP, the Consultant's expert (HC) or the Consultant may be in a situation of conflict of interest. Where the Consultant and/or the expert has an ongoing or previous involvement in such project in a different role, the Consultant shall disclose all related details during the tendering stage of the present assignment.

### 6.1.1 Consultant's expert

The Consultant's expert, i.e. the Horizontal Consultant (HC), has a crucial role in implementing the Contract. He/she will act as a Deputy Team Leader. The total input of this Consultant's expert is estimated at minimum 550 person-days (i.e. in approx. average 20 working days per 11 months/year of the implementation period of 2.5 years). These Terms of Reference contain the required expert's profile. The tenderer shall submit CV for the following expert:

#### Qualification:

- Master's Degree or an academic equivalent in engineering, economics, public administration or law (minimum requirement).

#### Professional experience:

- Minimum 15 years of general professional experience in his/ her area of expertise.
- Working experience with international financing institutions will be considered as an important asset;
- Minimum 4 technical assistance/consultancy contracts for public sector beneficiaries in which he/she had the co-ordinating role, i.e. Team Leader or Deputy Team Leader;
- Specific experience in technical assistance for the reform of the public procurement sector in Romania and/or elsewhere in the EU will be considered as an advantage.

#### **Professional skills (to be assessed during the Interview – see 14.2.2. Interviews of the Instructions to Tenderers for more details):**

- Good communication and interpersonal skills.
- Abilities of delivering and decision making under pressure, avoiding or resolving conflicts, problem solving and adaptability;
- Good understanding of the assignment requirements;
- Advanced command of English and Romanian.

### 6.1.2 Support staff & backstopping

No support or backstopping staff will be required for the implementation of this assignment.

#### 6.2 Office accommodation

Office accommodation of a reasonable standard will be provided by ANAP and EIB.

#### 6.3 Facilities to be provided by the Consultant

No facility shall be provided by the Consultant.

#### 6.4 Equipment

No equipment is to be purchased on behalf of the Contracting Authority / beneficiary country as part of this service contract or transferred to the Contracting Authority / beneficiary country at the end of this contract. Any equipment related to this contract which is to be acquired by the beneficiary country must be purchased by means of a separate supply tender procedure, under the financing and responsibility of the beneficiary country.

#### 6.5 Incidental Expenditures

Expenses related to business trips deemed necessary to the performance of the tasks to be undertaken by the Consultant's expert that take place outside Bucharest or outside Romania during the term of the Assignment will be reimbursed by the EIB in accordance with the provisions below.

Upon submission of such relevant invoices received from the Consultant, the EIB shall reimburse expenses incurred during business trips outside of Bucharest or Romania, provided that the business trip undertaken has been previously authorised by the EIB. Before undertaking any business trips on behalf of the Bank, the Consultant shall address a request for travel authorization, with detailed budget estimate, to the EIB.

All authorised travel and accommodation expenses shall be refunded provided that all original invoices have been submitted to the EIB, including all airplane boarding passes (where applicable).

- Air	- Economy Class. Business class could be authorized only where the air travel includes four or more hours of actual flight
- Rail	- Day: first class - Night: single sleeper
- Hotel expenses	- Only room and breakfast charges
- Taxis	- Each journey to be itemized and supported by a receipt where possible (N.B. Reasonable use of taxis without prior agreement will be accepted).
- Other	- Eligibility of other expenses should be verified, as a rule, in advance.

No translation services will be eligible for reimbursement.

The provision for incidental expenditure for this Contract is estimated at max. **EUR 18,000**.

## 7 REPORTS

### 7.1 Reporting requirements

#### 7.1.1. Administrative reports

The Consultant shall provide the following reports:

Name of reports	Time of submission
<p><b>Weekly progress updates</b></p> <p>At the end of each week of activity, the Consultant's expert will submit to the EIB Team Leader a short progress report (in English) through e-mail. These reports should be readable through smart phones. Weekly e-mail reports will contain the following:</p> <ul style="list-style-type: none"> <li>• Main Progress (few bullet points)</li> <li>• Plan for the following week (few bullet points)</li> <li>• Challenges ahead (if any)</li> <li>• Pressing matters (e.g. deadlines, etc.)</li> <li>• Any other important matter</li> </ul>	<p>On the last working day of the week</p>

<p><u>Note:</u> The weekly progress updates do not need EIB's approval. They will be considered as approved when the corresponding monthly progress reports are approved.</p>	
<p><b>Monthly progress reports</b></p> <p>At the beginning of each month of activity, the Consultant's expert will submit to the EIB Team Leader a monthly progress report in English.</p> <p>The monthly progress reports will contain at least the following information in the main body of the report:</p> <ul style="list-style-type: none"> <li>• Summary of the progress</li> <li>• Review of the activities (e.g. tasks performed, outputs produced/contributed, etc.)</li> <li>• Changes in implementation arrangements and/or institutional set-up</li> <li>• Challenges encountered</li> <li>• Outstanding issues and challenges ahead</li> <li>• Pressing matters (e.g. deadlines, etc.)</li> <li>• Time input</li> <li>• Plan for the following month</li> <li>• Any other important matter</li> </ul> <p>The monthly progress reports will contain the following annexes:</p> <p>Annex 1: The list of all outputs produced/contributed</p> <p>Annex 2: Timesheet</p> <p>Annex 3: List of meetings participated</p> <p>Annex 4: Weekly progress updates</p>	<p>No later than on the 5<sup>th</sup> working day of the following month</p>
<p><b>Quarterly Progress Reports</b></p> <p>At the beginning of each quarter of activity, the Consultant's expert will submit to the EIB Team Leader a quarterly progress report in English and Romanian.</p> <p>The quarterly progress reports will contain at least the following information in the main body of the report:</p> <ul style="list-style-type: none"> <li>• Summary of the progress</li> <li>• Review of the activities (e.g. tasks performed, outputs produced/contributed, etc.)</li> <li>• Changes in implementation arrangements and/or institutional set-up</li> <li>• Challenges encountered</li> <li>• Outstanding issues and challenges ahead</li> <li>• Pressing matters (e.g. deadlines, etc.)</li> <li>• Time input</li> <li>• Plan for the following month</li> <li>• Any other important matter</li> </ul> <p>The quarterly progress reports will contain the following annexes:</p> <p>Annex 1: All outputs produced/contributed (as an annex to the report)</p> <p>Annex 2: Timesheets (as an annex to the report)</p> <p>Annex 3: List of attended meetings</p>	<p>No later than on the 5<sup>th</sup> working day of the following quarter</p>

Annex 4: Monthly progress reports	
<p><b>Assignment Completion Report</b></p> <p>The Consultant's expert will submit to the EIB the Assignment Completion Report, in English and Romanian, which will contain the following:</p> <ul style="list-style-type: none"> <li>• A summary of the services performed during the Assignment with reference to the tasks/deliverables set out in the AToR, including, as the case may be, all changes to the tasks/deliverables incurred during the course of the Assignment;</li> <li>• If any, a list of the points diverging from those fixed in the initial objectives/tasks together with a comment on the steps undertaken to remedy the situation;</li> <li>• If any, a statement summarising the various difficulties encountered and an evaluation of the impact of the above-mentioned difficulties in terms of the project itself, total cost for the Assignment and deadlines.</li> </ul>	<p>Within 15 days from the completion of the Assignment</p>

In order to avoid double reporting, quarterly reports of each third month replaces the monthly report.

### 7.1.2. Technical Deliverables

The HC shall provide, and/or control the quality of, at least the technical deliverables specified below with the estimated number of such deliverables.

The table below contains the deliverables and responsibilities of the HC in relation to each of the tasks defined in PASSA 2 with ANAP, the responsibilities being marked as follows: PIP – participation in preparation; P – preparation; QC – quality control; S – supervision of activities. It should be noted that the deliverables would be prepared by the relevant EIB consultants, including the HC wherever the case will be (see the table below), and/or Third Parties.

Task no. and name	Duration	Deliverables, their number and related HC responsibilities
<b>Activity 1 – Sub-activity 1.1</b>		
<p><b>1.</b> Provide opinions/ guidance/ studies on procurement and sectoral aspects encountered by ANAP in the ex-ante control activity</p>	<p>Within 24 months from the Mobilization and Inception Period</p>	<ul style="list-style-type: none"> <li>• Global Plan for preparation of opinions/ guidance/ studies – 1 – PIP;</li> <li>• Quarterly Action Plans for preparation of opinions/ guidance/ studies – 8 – PIP;</li> <li>• Database of opinions/ guidance/ studies – 1 – QC;</li> <li>• Task Monthly Reports – approx. 22 – PIP;</li> <li>• Plans for Workshops to be held every 6 months – 4 – PIP;</li> <li>• Materials for the above mentioned Workshops – 4 sets – PIP;</li> <li>• General Reports after the above mentioned Workshops – 4 – QC;</li> <li>• Minutes of weekly coordination meetings of the Ex-ante Working Group – approx. 96 – PIP.</li> </ul>

<p><b>2.</b> Support to ex-ante staff in improving their general work competencies and understanding of relevant markets</p>	<p>Within 12 months from the Mobilization and Inception Period</p>	<ul style="list-style-type: none"> <li>• General training plan for soft skills training – 1 – P;</li> <li>• General post-training report for soft skills training – 1 – QC;</li> <li>• General concept for 4 study visits – 1 PIP;</li> <li>• Post study visit reports – 4 – P.</li> </ul>
<p><b>3.</b> Reformulation of the sampling methodology</p>	<p>Within 18 months from the Mobilization and Inception Period</p>	<ul style="list-style-type: none"> <li>• Monthly monitoring reports of the sampling activity – approx. 12 – PIP;</li> <li>• Reformulated sampling methodology and IT sampling tool under a separate technical assistance contract with a Third Party signed before, or to be signed shortly after the beginning of this Assignment – 1 – S, QC (during the implementation of the said contract).</li> <li>• Reformulated sampling methodology and IT sampling tool if further need of reformulation occurs after the above mentioned short-term technical assistance contract is completed – 2 – PIP.</li> </ul>
<p><b>4.</b> Provide professional opinions with regard to the implementation of various aspects of the National Public Procurement Strategy and to meet "Enabling Conditions" (upon specific ANAP's requests)</p>	<p>Within 24 months from the Mobilization and Inception Period</p>	<p>Contributions to reports, QC.</p>
<p><b>Activity 1 – Sub-activity 1.2</b></p>		
<p><b>5.</b> Perform competition related technical reviews of public procurement files subject to IT&amp;C pilot activity</p>	<p>Within 12 months from the Mobilization and Inception Period</p>	<ul style="list-style-type: none"> <li>• Updated terms of reference for IT&amp;C experts (Third Parties) and working arrangements between these experts, EIB consultants and ANAP – 1 – PIP;</li> <li>• Monthly IT&amp;C pilot project reports – 12 – QC.</li> </ul>
<p><b>6.</b> Improving the sectoral knowledge of the ex-ante verifiers and developing quality control verification tools for the pilot sector (i.e. public tenders in the IT&amp;C sector)</p>	<p>Within 12 months from the Mobilization and Inception Period</p>	<ul style="list-style-type: none"> <li>• Monthly workshop/training agenda 10 – QC of documents prepared by Third Parties;</li> <li>• Monthly workshop/training materials (workshops/trainings to start after two months from launching the pilot activity) – 10 sets – QC of documents prepared by Third Parties;</li> <li>• Monthly post-workshop/training reports – 10 – QC of documents prepared by Third Parties;</li> <li>• Quality control checklist and guidance note – 1 – QC of documents prepared by Third Parties.</li> </ul>
<p><b>Activity 2 – Sub-activity 2.1</b></p>		

7. Preparation of the Stakeholder Engagement Plan ("SEP") in view of establishing local CPBs	Within 2 months from the Mobilization and Inception Period	SEP – 1 – S.
8. Development of a communication plan ("CP")	Within 1 month from the finalization of Task 7	CP – 1 – S.
9. Development of Action Plans for the identified Key Stakeholders	Within 1 month from the finalization of Task 8	Draft Action Plans – their number will depend on the number of the identified Key Stakeholders – S.
<b>Activity 2 – Sub-activity 2.2</b>		
10. Selection of three pilot CPBs and of eight additional contracting authorities for whom a CPB roadmap will be developed	Within 3 months from the finalization of Task 9	S
11. Planning and drafting an action plan for setting up three pilot CPBs	Within 4 months from the finalization of Task 10	S
12. Development of a roadmap for the set-up of local CPBs in eight identified counties	Within 12 months from the finalization of Task 11	S
<b>Activity 2 – Sub-activity 2.3</b>		
13. Defining a set of performance indicators and measuring methodology applicable to the pilot CPBs	Within 1 month from the finalization of Task 11	S
14. Configuration of CPBs in terms of operational and organizational structure	Within 3 months from the finalization of Task 13	S
15. Supporting local authorities in drafting of the establishment act of the CPB	Within 1 month from the finalization of Task 14	S
<b>Activity 2 – Sub-activity 2.4</b>		
16. Organising a study visit	Within 6 months from the finalization of Task 15	S
17. Training and day to day assistance during the three procurement phases	Within 15 months from the finalization of Task 15	S
<b>Activity 2 – Sub-activity 2.5</b>		
18. Organization of conferences in the eight counties participating in the study	Within 18 months from the start of Task 12	S
19. Organizing conferences in piloting counties	Within 18 months from the start of Task 12	S
20. Organization of 4 conferences in counties not included in the studies	Within 18 months from the start of Task 12	S
21. Organising a final conference in Bucharest	Within last 3 months of the implementation of the Activity 2	S
<b>Activity 2 – Sub-activity 2.6</b>		
22. Drafting of conclusions and recommendations	Within last 3 months of the implementation of the Activity 2	S

**Important note:** Most of the documents to be reviewed or delivered will be in Romanian language.

## 7.2 Submission & approval of reports/deliverables

All reports (apart from weekly progress updates) and technical deliverables shall be produced in A4 size and printed on both sides of the paper. Spreadsheets and schedules shall be produced in a maximum of A3 size for reporting purposes and may be printed single-sided. File origins shall be clearly identifiable in a header or footer. A list of essential contact persons is to be included. The reports should have a title page, which should include project name, project code or reference, report title, date issued and period covered, and the name and address of the Consultant. **The Contracting Authority shall provide the Consultant, after the starting date of the assignment, with a recommended structure of the Reports.** The Consultant may propose changes to this structure, which must be agreed with the Contracting Authority in advance.

Reports/deliverables and other documents required in the ToR will be made available in electronic format (CD, USB stick, etc.). They will have to be provided in Microsoft Word compatible format, in a single file or with a series of files following a structure that makes it easy to print and generate hard copies, with all support files also attached. All produced spreadsheets have to be provided in Microsoft Excel compatible format, including all underlying formulas. Such formulas shall be unprotected and available to the EIB.

All reports/technical deliverables (except the weekly and monthly reports) will be delivered in English and Romanian language unless otherwise requested in writing by the EIB Team Leader.

All reports (except the weekly reports) will be delivered in 1 hard copy and 1 electronic copy.

The EIB will have 15 working days to examine each Report/Deliverable. Should the EIB request amendments, the Consultant will be requested to re-submit the Report/Deliverable within 15 working days following the request, completed and adequately amended. If no feedback is received from the EIB within 15 working days, the output will be considered as approved.

As a general principle, ANAP and EIB (as the Contracting Authority) should mutually agree on approval of technical deliverables.

## 7.3 Visibility requirements

All deliverables and reports will observe visibility requirements set under the PASSA. Templates will be provided to the Consultant in this respect.

# 8 MONITORING AND EVALUATION

## 8.1 Definition of indicators

The main indicator is the timely delivery of the tasks assigned to him/her and of the reports, as well as their quality.

The quality of all deliverables, including reports, will be measured by their approval by the EIB Team Leader and, as the case may be, by ANAP.